

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT NEVADA

CUNG LE, NATHAN QUARRY, JON FITCH,  
BRANDON VERA, LUIS JAVIER  
VAZQUEZ, and KYLE KINGSBURY, On  
Behalf of Themselves and All Others Similarly  
Situated,

Plaintiffs,

v.

ZUFFA, LLC, D/B/A ULTIMATE FIGHTING  
CHAMPIONSHIP and UFC,

Defendant.

Case No. 2:15-cv-01045-RFB-BNW

KAJAN JOHNSON and CLARENCE  
DOLLAWAY, On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

vs.

ZUFFA, LLC, TKO OPERATING COMPANY,  
LLC F/K/A ZUFFA PARENT LLC (D/B/A  
ULTIMATE FIGHTING CHAMPIONSHIP and  
UFC), and ENDEAVOR GROUP HOLDINGS,  
INC.,

Defendants.

Case No. 2:21-cv-01189-RFB-BNW

**MOTION FOR PRELIMINARY APPROVAL OF THE SETTLEMENT IN BOTH ABOVE-  
CAPTIONED MATTERS, PROVISIONAL CERTIFICATION OF THE PROPOSED  
JOHNSON SETTLEMENT CLASS, PRELIMINARY APPROVAL OF THE PLAN OF  
ALLOCATION, APPROVAL OF THE NOTICE PLAN, AND APPROVAL OF  
THE PROPOSED SCHEDULE FOR COMPLETING THE SETTLEMENT PROCESS**

Plaintiffs in two class actions, *Le, et al. v. Zuffa, LLC d/b/a Ultimate Fighting Championship and UFC*, Case No. 2:15-cv-01045 (D. Nev.) (the “*Le* Action”), and *Johnson, et al. v. Zuffa, LLC, et al.*, No. 2:21-cv-1189 (D. Nev.) (the “*Johnson* Action”) (collectively, the “Actions”), on behalf of themselves and the proposed Settlement Classes (the *Le* Class and the *Johnson* Settlement Class, as discussed below), hereby move for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure:

1. Granting preliminary approval under Fed. R. Civ. P. 23(c)(2) and 23(e) of the settlement (“Settlement”) between the parties in the *Le* Action and the *Johnson* Action. Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera, Luis Javier Vazquez, and Kyle Kingsbury brought the *Le* Action against one defendant, Zuffa, LLC. On August 9, 2023, the Court certified the *Le* Class (*see* below) and appointed all the plaintiffs in the *Le* Action, other than Nathan Quarry, as the class representatives (the “*Le* Class Representatives”). *See* ECF No. 839, at 78-79.<sup>1</sup> Plaintiffs Kajan Johnson, Clarence Dollaway, and Tristan Connelly (the proposed “*Johnson* Settlement Class Representatives”) brought the *Johnson* Action against three defendants, Zuffa, LLC, TKO Operating Company, LLC, and Endeavor Group Holdings, Inc. The *Le* Class Representatives and the *Johnson* Settlement Class Representatives are collectively referred to as “Plaintiffs,” and the defendants in both Actions will be referred to collectively as “Defendants.” The terms and conditions of the Settlement, which include the release and dismissal with prejudice of the Plaintiffs’ claims against the Defendants, are set forth in the parties’ April 24, 2024 Settlement Agreement (the “Settlement Agreement”), which is attached as Exhibit 1 to the accompanying joint declaration of Co-Lead Class Counsel (referred to as the “Joint Decl.”).

2. Granting Plaintiffs’ request to coordinate the *Le* Action and the *Johnson* Action for settlement purposes only.

3. Reaffirming the Court’s finding that the requirements of Fed. R. Civ. P. 23(a) and 23(b)(3) are satisfied for the *Le* Class, *see* ECF No. 839, at 79 (defining the Bout Class), including for settlement and judgment purposes. The *Le* Class includes all persons who competed in one or more live

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<sup>1</sup> Plaintiff Nathan Quarry was proffered as a class representative for the “Identity Rights Class,” which the Court did not certify. *See generally* ECF No. 839 at 75-78.

professional UFC-promoted MMA bouts taking place or broadcast in the United States from December 16, 2010 to June 30, 2017 (the “*Le* Class Period”). *Id.* Excluded from the *Le* Class are all persons who are not residents or citizens of the United States unless the UFC paid such persons for competing in a bout fought in the United States. *Id.*

4. Finding that the Court will likely determine that the requirements of Fed. R. Civ. P. 23(a) and 23(b)(3) will be satisfied for settlement and judgment purposes only, and thus provisionally certifying the *Johnson* Settlement Class. The Settlement Agreement defines the *Johnson* Settlement Class to include all persons who competed in one or more live professional UFC-promoted MMA bouts taking place or broadcast in the United States from July 1, 2017 to the date of preliminary approval of the Settlement (the “*Johnson* Settlement Class Period”). Settlement Agreement ¶1(n). Excluded from the *Johnson* Settlement Class are all persons who are not residents or citizens of the United States unless the UFC paid such persons for competing in a bout fought or broadcast in the United States. *Id.*

5. Appointing Plaintiffs Kajan Johnson, Clarence Dollaway, and Tristan Connelly as the representative Plaintiffs for the *Johnson* Settlement Class (the “*Johnson* Settlement Class Representatives”).

6. Appointing Berger Montague PC, Cohen Milstein Sellers & Toll PLLC, and Joseph Saveri Law Firm, LLP as Co-Lead Class Counsel for the Settlement Classes and Kemp Jones, LLP, Warner Angle Hallam Jackson & Formanek PLC, and Clark Hill PLC as additional Settlement Class Counsel for the *Johnson* Settlement Class under Fed R. Civ. P. 23(g).

7. Approving the Notice Plan articulated in the accompanying Declaration of Steven Weisbrot, Esq. of Angeion Group LLC re the Settlement Notice Plan (the “Weisbrot Settlement Decl.”), attached as Exhibit 5 to the Joint Decl., and authorizing dissemination of notice to the Settlement Classes.

8. Preliminarily approving the Plan of Allocation, attached as Exhibit 3 to the Joint Decl.

9. Appointing Angeion Group (“Angeion”) as the Claims Administrator for the Settlement Classes. (The Court previously appointed Angeion as the notice administrator for the *Le* Class, *see* ECF No. 921, ¶1.)

10. Appointing The Huntington National Bank as Escrow Agent.

1           11.     Approving the Custodian/Escrow Agreement, dated April 23, 2024 (the “Escrow  
2 Agreement”), attached as Exhibit A to the Settlement Agreement (which itself is attached as Exhibit 1  
3 to the Joint Decl.).

4           12.     Approving the establishment of the UFC Settlement Fund under the Settlement  
5 Agreement as a qualified settlement fund (“QSF”) pursuant to Internal Revenue Code Section 468B  
6 and the Treasury Regulations promulgated thereunder.

7           13.     Staying litigation activity against the Defendants on behalf of the Settlement Classes  
8 pending final approval or termination of the Settlement.

9           14.     Approving the proposed schedule for the Settlement, including setting a date for a final  
10 Fairness Hearing.

11           WHEREFORE, for the reasons set forth in the accompanying memorandum of law, supporting  
12 Joint Decl., the Weisbrot Settlement Decl., and all exhibits filed in support of this Motion, Plaintiffs  
13 respectfully request that the Court grant this motion and enter the Preliminary Approval Order filed  
14 herewith. The Defendants do not oppose this motion.

1 Dated: May 21, 2024

Respectfully submitted,

2 /s/ Eric L. Cramer

3 Eric L. Cramer (pro hac vice)  
4 Michael Dell'Angelo (pro hac vice)  
5 Ellen T. Noteware (pro hac vice)  
6 Patrick F. Madden (pro hac vice)  
7 Najah Jacobs (pro hac vice)  
8 BERGER MONTAGUE PC  
9 1818 Market St., Suite 3600  
10 Philadelphia, PA 19103  
11 Telephone: +1 (215) 875-3000  
12 Email: ecramer@bm.net  
13 Email: mdellangelo@bm.net  
14 Email: enoteware@bm.net  
15 Email: pmadden@bm.net  
16 Email: njacobs@bm.net

17 Joshua P. Davis (pro hac vice)  
18 BERGER MONTAGUE PC  
19 505 Montgomery Street, Suite 625  
20 San Francisco, CA 94111  
21 Telephone: +1 (415) 906-0684  
22 Email: jdavis@bm.net

23 Richard A. Koffman (pro hac vice)  
24 Benjamin Brown (pro hac vice)  
25 Daniel Silverman (pro hac vice)  
26 Daniel L. Gifford (pro hac vice)  
27 COHEN MILSTEIN SELLERS & TOLL  
28 PLLC  
1100 New York Ave., N.W.  
Suite 500 East, Tower  
Washington, DC 20005  
Telephone: +1 (202) 408-4600  
Facsimile: +1 (202) 408-4699  
Email: rkoffman@cohenmilstein.com  
Email: bbrown@cohenmilstein.com  
Email: dsilverman@cohenmilstein.com  
Email: dgifford@cohenmilstein.com

Joseph R. Saveri (pro hac vice)  
Kevin E. Rayhill (pro hac vice)  
Christopher Young (pro hac vice)  
Itak Moradi (pro hac vice)  
JOSEPH SAVERI LAW FIRM, LLP  
601 California St., Suite 1505  
San Francisco, CA 94108  
Telephone: +1 (415) 500-6800  
Facsimile: +1 (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
Email: krayhill@saverilawfirm.com  
Email: cyoung@saverilawfirm.com  
Email: imoradi@saverilawfirm.com

*Co-Lead Counsel for the Le Class, Settlement  
Class Counsel for the Le Settlement Class and  
the Johnson Settlement Class and Attorneys  
for Individual and Representative Plaintiffs  
Cung Le, Nathan Quarry, Jon Fitch, Brandon  
Vera, Luis Javier Vazquez, Kyle Kingsbury,  
Kajan Johnson, Clarence Dollaway, and  
Tristan Connelly*

Don Springmeyer (Bar No. 1021)  
KEMP JONES, LLP  
3800 Howard Hughes Parkway, 17th Floor  
Las Vegas, Nevada 89169  
Telephone: + 1 (702) 385-6000  
Facsimile: + 1 (702) 385-6001  
Email: dspringmeyer@kempjones.com

*Liaison Counsel for the Le Class, Settlement  
Class Counsel for the Le Settlement Class and  
the Johnson Settlement Class and Attorneys  
for Individual and Representative Plaintiffs  
Cung Le, Nathan Quarry, Jon Fitch, Brandon  
Vera, Luis Javier Vazquez, Kyle Kingsbury,  
Kajan Johnson, Clarence Dollaway, and  
Tristan Connelly*

Robert C. Maysey (pro hac vice)  
Jerome K. Elwell (pro hac vice)  
WARNER ANGLE HALLAM JACKSON  
& FORMANEK PLC  
2555 E. Camelback Road, Suite 800  
Phoenix, AZ 85016  
Telephone: +1 (602) 264-7101  
Facsimile: +1 (602) 234-0419  
Email: rmaysey@warnerangle.com  
Email: jelwell@warnerangle.com

Crane M. Pomerantz  
CLARK HILL PLC  
1700 Pavilion Center Dr., Suite 500  
Las Vegas, NV 89135  
Telephone: +1 (702) 697-7545  
Email: cpomerantz@clarkhill.com

*Additional Counsel for the Le Settlement  
Class and the Johnson Settlement Class and  
Attorneys for Individual and Representative  
Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,  
Brandon Vera, Luis Javier Vazquez, Kyle  
Kingsbury, Kajan Johnson, Clarence  
Dollaway, and Tristan Connelly*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of May, 2024, a true and correct copy of Plaintiffs' Motion for Preliminary Approval of the Settlement in Both Above-Captions Matters, Provisional Certification of the Proposed *Johnson* Settlement Class, Preliminary Approval of the Plan of Allocation, Approval of the Notice Plan, and Approval of the Proposed Schedule for Completing the Settlement Process and supporting papers and exhibits were served via the U.S. District Court of Nevada's ECF System to all counsel of record who have enrolled in the ECF System.

/s/ Eric L. Cramer

Eric L. Cramer